

REMARKS

The non-final Office Action dated June 7, 2004 has been reviewed and the comments of the Office Action have been considered. Claim 10 has been cancelled without prejudice. Remaining original claims 1-9 and 11-34 have been amended. New claims 35 and 36 have been added. The claims pending in this application are 1-9 and 11-36. Reconsideration of all pending claims is respectfully requested.

Initially, it is noted that the preamble of originally submitted claims 1-9 and 11-34 have been revised to be directed to a firearm in lieu of a mechanism to clarify the context of the invention. Claims 1, 5, 18, and 27 have been further amended as discussed below.

The Examiner has rejected claims 1-34 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 3,696,543 to Kennedy ("Kennedy"). Claims 1, 18, and 27 are independent. The rejection is discussed with respect to the independent claims which addressed in turn below.

Kennedy shows and describes a revolver that requires the hammer to be placed in a half-cocked position disengaged from the frame (as shown in FIG. 2) for loading. This allows a firearm user to sequentially and freely rotate the cylinder (in one direction) into a loading position for each chamber to insert cartridges therein. (See Kennedy, FIG. 2 and Col. 4, lines 33-38 and 48-50.) When the hammer is uncocked and engaged with the frame (see, e.g., FIG. 1), the cylinder cannot be rotated in either direction due to a pawl 24 blocking rotation in one direction and a latch lock 74 blocking rotating in the opposite direction. (See, e.g., Kennedy, FIG. 1.) This conventional type of revolver is described in Applicant's Background of the Invention section. Thus, when the hammer is engaged with the frame in Kennedy, the cylinder cannot be rotated into multiple loading positions corresponding to each cylinder.

In contrast to Kennedy, Applicant's invention relates to a revolver of the type that can be loaded with an uncocked hammer engaged with the frame. In this hammer position, Applicant's claimed invention for the first time provides indexed loading positions for the cartridge-receiving chambers that may be selectively located by rotating the cylinder in a first direction. As amended, claim 1 recites "a cylinder ... defining a loading position with respect to the frame for each chamber" and a "stop pin selectively stopping rotation of the cylinder in a first direction at each of the chamber loading positions when the hammer is engaged with the frame, the cylinder further being freely rotatable in second direction when the hammer is engaged with the frame."

Kennedy does not teach or suggest a firearm having such a stop pin and cylinder mechanism as claimed that stops the cylinder at the indexed chamber loading positions in one rotational direction, but also allows free rotation in a second direction, both when the hammer is engaged with the frame. Moreover, Kennedy is not even loadable with an uncocked hammer engaged with the frame, as noted above.

Applicant's claimed invention eliminates the disadvantages and inconvenience of the conventional half-cock hammer position for loading, while providing indexed loading positions for the cylinder chambers with the hammer engaged with the frame that heretofore were lacking in the art. In effect, the stop pin recited in claim 1 provides a second slidable alignment pawl that stoppingly engages the cylinder ratchet in one rotational direction. This allows a user to properly align each chamber with a loading gate cutout in the revolver frame at an indexed loading position when the hammer is uncocked and fully forward engaged with the frame. (See Applicant's disclosure, paragraph 4.) This is not taught or suggested by any of the references of record, alone or in combination, and represents a significant advance in the art. For example, U.S. Patent 6,385,888 to Power provides free spin of the cylinder with the hammer down and engaged with the frame, but fails to teach or suggest any mechanism as claimed by the Applicant for indexing the cylinder to create chamber loading positions when the hammer is engaged with the frame. Accordingly, claim 1 is believed to be allowable.

Dependent claims 2-17, depending directly or indirectly from claim 1, are believed to be allowable for at least the same reasons as claim 1 presented above since dependent claims include all the limitations of the claim from which they depend. In addition, at least claims 2-8 depending directly or indirectly from claim 1 further differentiate Kennedy and recite "a pawl selectively engageable with the cylinder and moveable from a first position wherein the pawl engages the cylinder to a second position wherein the pawl does not engage the cylinder." Applicant's claimed pawl arrangement in dependent claims 2-8, in combination with the stop pin recited in claim 1, advantageously ensures that the pawl which is also engageable with the cylinder does not interfere with properly locating the indexed chamber loading positions when the hammer is engaged with the frame (*i.e.*, uncocked). Neither Kennedy, nor any of the references of record alone or in combination, teach or suggest such a novel stop pin and pawl combination as recited in claims 2-8. And none of the references of record recognize and

overcome the inconvenience of loading revolvers that are designed to be loaded with an uncocked hammer (*see* Applicant's disclosure, paragraph 4) which heretofore lacked properly aligned and indexed loading positions for each of the cylinder chambers. Thus, the foregoing reasons provide an additional basis for the patentability of at least dependent claims 2-8.

Independent claim 18 is similar to claim 1, but adds "a pawl engageable with the cylinder." Claim 18 further recites "a cylinder indexing member ... engageable with the rear of the cylinder, wherein with the hammer engaged with the frame, the cylinder is configured to be stoppingly engaged by the indexing member in each of the loading positions when the cylinder is rotated in a first direction and the cylinder is freely rotatable without being stoppingly engaged by the indexing member when the cylinder is rotated in a second direction opposite the first direction." Claim 18 is believed to be allowable for at least all the reasons presented for claim 1 above, as applicable. In addition, neither Kennedy, nor any of the other references of record teach or suggest, alone or in combination, such an indexing member engageable with the rear of the cylinder in combination with a pawl as claimed. Moreover, the latch lock 74 shown in FIG. 1 in Kennedy engages the middle side of the cylinder, not the rear as recited in claim 18. Accordingly, claim 18 is believed to be allowable. Claims 19-26, depending directly or indirectly from claim 18, are also allowable for at least the same reasons as claim 18.

Independent claim 27 is similar to claims 1 and 18 requiring a cylinder whose rotation is stoppingly engaged by a stop pin or indexing member, respectively, at each of the cylinder chamber loading positions when the hammer is engaged with the frame. Accordingly, to the extent applicable, claim 27 is believed to be allowable for at least those same reasons presented above for claims 1 and 18. Furthermore, claim 27 also recites a "ratchet disposed on the rear of the cylinder," and a "pawl" and "stop pin" both engageable with the cylinder ratchet. Neither Kennedy, nor any of the other references of record teach or suggest, alone or in combination, the combination of a pawl and an indexing stop pin as claimed that are both engageable with a cylinder ratchet. Accordingly, claim 27 is believed to be allowable on this additional basis. Claims 28-34, depending directly or indirectly from claim 27, are also allowable for at least the same reasons as claim 27.

New independent claims 35 and 36 directed to a revolver have been added to further distinguish the invention. New claim 35 recites a "pawl movable from a first position in which

the pawl is not engaged with the ratchet when the hammer is uncocked, to a second position in which the pawl engages the ratchet when the hammer is cocked." Claim 35 further recites "an indexing member biased into engagement with the ratchet and stopping rotation of the cylinder in a first direction when the hammer is uncocked to selectively locate each of the chambers in alignment with the loading gate cutout in the frame for loading or unloading cartridges, the indexing member allowing free rotation of the cylinder in a second direction when the hammer is uncocked." Support for these limitations may be found in Applicant's original disclosure at least in paragraphs 49-51. No new matter has been added. None of the references of record, alone or in combination, teach or suggest a revolver having such a mechanism as recited in new claim 35, which is believed to be allowable.


In addition to the pawl required in claim 35 as discussed above, new claim 36 further recites "a means for indexing the cylinder in a second direction with the hammer in the forward position engaged with the frame to align a chamber in a loading position with the loading gate cutout in the frame." Support for this limitation may be found in Applicant's original disclosure at least in paragraphs 49-51. No new matter has been added. None of the references of record, alone or in combination, teach or suggest a revolver having such a means. Accordingly, new claim 36 is believed to be allowable.

In light of the foregoing remarks and claim amendments, Applicant respectfully requests reconsideration and submits that the pending claims 1-9 and 11-36 are in condition for allowance. An early notice to this effect is earnestly solicited. The Examiner is invited to call the undersigned attorney at 212-309-6375 if a telephone call could help resolve any remaining issues.

Respectfully submitted,

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